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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/524,091

03/13/2000

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1500P/BC999065

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10/04/2007

EXAMINER

KOENIG, ANDREW Y

ART UNIT

PAPER NUMBER

2623

MAIL DATE

DELIVERY MODE

10/04/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 09/524,091	Applicant(s) CHING ET AL.	
	Examiner Andrew Y. Koenig	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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**DETAILED ACTION**

1. In view of the Appeal Brief filed on 26 June 2007, PROSECUTION IS HEREBY REOPENED. A new rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

John Miller

SPE

  
JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

***Response to Arguments***

2. Applicant's arguments with respect to claims 21-40 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 21-24, 27-31, and 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,526,575 to McCoy et al. (McCoy) in view of U.S. Patent 5,099,319 to Esch et al. (Esch) and U.S. Patent Application Publication 2002/0166120 to Boylan, III et al. (Boylan).

Regarding claims 21, 28, and 35, McCoy teaches prior to the playout of the program feed, distributing a plurality of multimedia sports from a central site server to one or more remote site servers located at one or more corresponding remote sites relative to the central control site (fig. 1, col. 5-6, ll. 41-8).

Whereas McCoy teaches multimedia clips, McCoy is silent on distributing a local spots from a central site server to one or more remote site servers. In analogous art, Boylan teaches distributing local advertisements for different regions from a central site

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to remote sites (see fig. 7, pg. 5, para. 0061). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McCoy by distributing a local spots from a central site server to one or more remote site servers as taught by Boylan in order to provide local advertisements to different regions and reduce the processing at the downlink facility.

McCoy teaches sending a plurality of control parameters from the central server to each of the one or more remote servers (fig. 18-19, col. 4, ll. 33-51, col. 16, ll. 41-52). McCoy teaches transmitting the program feed from the central server to remote sites (col. 19, ll. 41-62), and each of the remote sites automatically switching between the playout of the program feed and playout of the multimedia content in accordance with the plurality of parameters received (col. 20, ll. 33-43).

McCoy is silent on the switching between the program feed and local spot. In analogous art, Esch teaches switching between the program feed and local spot (col. 8, ll. 35-62). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McCoy by switching between the program feed and local spot as taught by Esch in order to provide the local advertisements to the desired viewers, thereby increasing the effectiveness of the advertisements.

Regarding claims 22, 29, and 36, McCoy teaches the program feed received by from the uplink facility, which reads on a network feed, but is silent on a local spot comprising local advertising or a local announcement. In analogous art, Esch teaches the local spot as advertisements (col. 3, ll. 20-35). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify McCoy by using local advertisements as taught by Esch in order to effectively display pertinent information to viewers.

Regarding claims 23, 30, and 37, McCoy teaches the central server in communication with the remote site server through a telephone network (col. 6, ll. 9-14), which reads on a distribution network.

Regarding claims 24, and 31, McCoy teaches a remote site comprising a video server (col. 5, ll. 8-11).

Regarding claims 27 and 34, McCoy teaches setting control parameters, but McCoy and Esch are silent on using a graphical user interface (GUI) associated with a central site server. Official Notice is taken that a GUI associated with a central site server is known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McCoy and Esch by using a GUI associated with a central site server in order to enable the user to easily input and adjust information.

Regarding claim 38, McCoy teaches remote site servers comprising a video server (col. 5, ll. 8-11) and switching between playout of the program feed and local spot (Esch: col. 8, ll. 35-65) as discussed in the independent claim, but McCoy and

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Esch are silent on a video switch card. Official Notice is taken that a video switch card is known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McCoy and Esch by using video switch card in order to efficiently switch program streams using a server.

5. Claims 25, 32, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,526,575 to McCoy et al. (McCoy), U.S. Patent 5,099,319 to Esch et al. (Esch), and U.S. Patent Application Publication 2002/0166120 to Boylan, III et al. (Boylan) in view of U.S. Patent 5,920,700 to Gordon et al. (Gordon).

Regarding claims 25, 32, and 39, McCoy teaches a plurality of control parameters including uplink parameters, schedule parameters (col. 4, ll. 9-35, col. 4, ll. 44-51, col. 9, ll. 24-35, col. 10, ll. 25-60, and col. 12, ll. 19-30). However, McCoy and Esch are silent on teaching a storage parameters controlling the distribution of data to be received. In analogous art, Gordon teaches storage parameters for controlling the distribution of assets (col. 5, ll. 45-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McCoy and Esch by controlling the distribution of data to be received as taught by Gordon in order to save disk space and network bandwidth by copying or deleting assets based on their usage and priority.

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6. Claims 26, 33, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,526,575 to McCoy et al. (McCoy), U.S. Patent 5,099,319 to Esch et al. (Esch), U.S. Patent Application Publication 2002/0166120 to Boylan, III et al. (Boylan), and U.S. Patent 5,920,700 to Gordon et al. (Gordon) in view of U.S. Patent 6,253,079 to Valentine et al. (Valentine).

Regarding claims 26, 33, and 40, McCoy teaches schedules of multimedia insertions (see fig. 19), which reads on a scheduler parameter including a playlist transmission lookahead. The combination of McCoy and Gordon has been discussed above; Gordon teaches a storage parameter including playlist entries (col. 5, ll. 45-61).

McCoy, Esch, and Gordon are silent on uplink parameters including one or more of an uplink broadcast transmission, an uplink forward, or an uplink look-ahead. In analogous art, Valentine teaches retransmitting data when the threshold of the capacity of the satellite is exceeded (col. 5, ll. 9-26, col. 5, ll. 34-67), which reads on an uplink broadcast transmission. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify McCoy, Esch, and Gordon by an uplink parameter including an uplink broadcast transmission as taught by Valentine in order to share resources on a satellite in a fair manner to prevent overloading the capacity.


### ***Conclusion***



Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y. Koenig whose telephone number is (571) 272-7296. The examiner can normally be reached on M-Fr (8:30 - 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571)272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Andrew Y Koenig  
Primary Examiner  
Art Unit 2623

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